

UNITED STATES PATENT AND TRADEMARK OFFICE

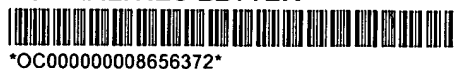
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/064,744	08/12/2002	James R. Birle JR.	MLCO.P001

21121  
OPPEDAHL AND LARSON LLP  
P O BOX 5068  
DILLON, CO 80435-5068

CONFIRMATION NO. 6609

## FORMALITIES LETTER



\*OC000000008656372\*

Date Mailed: 08/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

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02/04/2003 SLUANG1 00000016 10064744

02 FC:1051  
03 FC:1254

130.00 OP  
~~1450.00 OP~~

*A copy of this notice **MUST** be returned with the reply.*

S.B

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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02-03-03

MC #

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. no. 10/064,744

Attorney docket no. MLCO.P001

Conf. no. 6609

Filed: August 12, 2002

Express Mail label number EV253456662US

RESPONSE TO NOTICE TO FILE MISSING PARTS

This paper responds to the Notice of Missing Parts dated August 21, 2002. The undersigned hereby requests, under the provisions of 37 CFR 1.136(a), an extension of the period for filing a reply in the above-identified application, as detailed in attached Form PTO/SB/22. An extension of four months is requested. Form PTO-2038 is attached to pay the extension fee and the \$130 fee. Any deficiency in fees may be charged to our deposit account number 15-0610, as indicated in the attached Fee Transmittal Form PTO/SB/17.

Attached hereto, please find a Petition under 37 CFR section 1.47 relating to inventor Jones who refuses to sign. The \$130 fee for this Petition is enclosed.

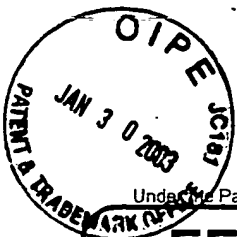
Respectfully submitted,

Carl Oppedahl  
Oppedahl & Larson LLP  
P O Box 5068  
Dillon, CO 80435  
telephone 970 468 6600

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PTO/SB/17 (01-03)  
Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) ~~1390~~

## Complete if Known

Application Number 10 064 744  
Filing Date 12 August 2002  
First Named Inventor  
Examiner Name  
Art Unit  
Attorney Docket No. M LCO Pool

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

150610

Oppedahl

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	1450
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) ~~1390~~

## SUBMITTED BY

(Complete if applicable)

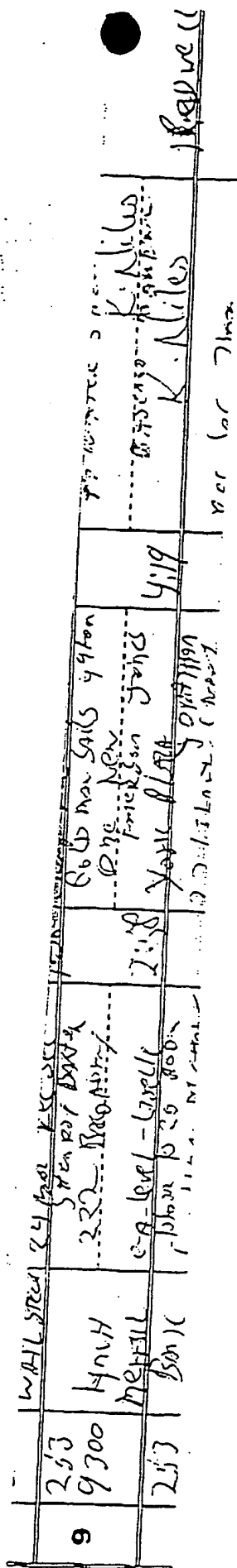
Name (Print/Type) Carl Oppedahl Registration No. 32746 Telephone 970 468 6600  
Signature [Signature] (Attorney/Agent) Date 30 Jan 03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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**Merrill Lynch**

Patrick Romain  
First Vice President  
Senior Counsel  
Corporate Law

Office of General Counsel

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17th Floor  
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212 670 0197  
FAX 212 670 4516  
promain@exchange.ml.com

January 10, 2003

**BY HAND DELIVERY**

Emerson P. Jones  
Goldman Sachs & Co.  
One New York Plaza  
49<sup>th</sup> Floor  
New York, NY 10004

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**FEB 0 5 2003**

**OFFICE OF PETITIONS**

Re: **PHONES. CoPa and CoCo Patent Applications**

Dear Phil:

As you may recall, three patent applications were filed for Merrill Lynch proprietary products on which you were a named inventor. As you know, while you were an employee of Merrill Lynch, you agreed that any intellectual property conceived, developed or otherwise performed within the scope of your employment related to the financial services industry or Merrill Lynch products, services or supporting activities is the property of Merrill Lynch. Further, you agreed that you would do whatever necessary to transfer to Merrill Lynch, or to document its ownership of, any such property. I am therefore forwarding documents, as listed in Exhibit 1 of this letter, for your execution for completion and assignment of the three referenced patent applications. Copies of the relevant application documents are included for your files. Please sign where indicated, have the signatures notarized when necessary, and return the executed documents to me at the address listed above.

Please feel free to contact me if you have any questions.

Yours very truly,

Enclosures (as listed in attached Exhibit 1)



Exhibit 1

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- Application CoCo U.S./PCT prepared by F&N
- Application CoCo U.S./PCT prepared by O&L
  - 10/064,744 combined declaration and power of attorney
  - PCT/US02/25667 combined declaration and power of attorney
  - 10/064,746 combined declaration and power of attorney
  - 10/217,875 combined declaration and power of attorney
  - PCT/US02/25667 PCT power of attorney
  - PCT/US02/25697 PCT power of attorney
  - PCT/US02/25697 combined declaration and power of attorney
  - MLCOP001-A-F-WO Assignment
- Application CoCo U.S./PCT Prepared by F&N
- Application CoCo U.S./PCT Prepared by O&L
  - 10/064,745 combined declaration and power of attorney
  - 10/218,124 combined declaration and power of attorney
  - PCT/US02/25668 PCT power of attorney
  - PCT/US02/25668 combined declaration and power of attorney
  - PCT/US02/25923 PCT power of attorney
  - PCT/US02/25923 combined declaration and power of attorney
  - MLCOP002-US-F-WO assignment
- Application PHONES
  - 09/521,261 Assignment